

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SCRIBNER-SNYDER COMMUNITY
SCHOOLS,

Plaintiff,

vs.

TRANE U.S. INC.,

Defendant.

8:21CV483

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED the Plaintiff's unopposed motion to extend the final progression order ([Filing No. 24](#)) is granted. The unexpired deadlines in the final progression order ([Filing No. 12](#)) and amended final progression order ([Filing No. 21](#)) are amended as follows:

- 1) The trial and pretrial conference will not be set at this time. A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings remains scheduled with the undersigned magistrate judge on **March 7, 2023 at 11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is December 16, 2022. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by December 30, 2022.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for identifying expert witnesses expected to testify at the trial,

(both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): December 13, 2022.

For the defendant(s): February 13, 2023.

Plaintiff's rebuttal: February 27, 2023

- 4) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): February 13, 2023.

For the defendant(s): March 14, 2023.

Plaintiff(s)' rebuttal: March 28, 2023.

- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is April 28, 2023.

a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 7.

b. Depositions will be limited by Rule 30(d)(1), except as agreed to by the parties with respect to individual witnesses.

- 6) The deadline for filing motions to dismiss and motions for summary judgment is May 19, 2023.

- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is May 19, 2023.

- 8) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

- 9) The parties shall comply with all other stipulations and agreements recited

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

in their Rule 26(f) planning report that are not inconsistent with this order.

- 10) All other deadlines in the court's prior case progression order are unchanged. All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 28th day of September, 2022.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge